

EXHIBIT 29

US District Court - Delaware
Chapter 11 - W.R. Grace

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Steve Hays

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

CHAPTER 11
IN RE:
W.R. GRACE & CO., et al.,

Debtors.

Case No. 01-1139 (JFK)

DEPOSITION OF:
Steve Hays
Monday, October 22, 2007
Washington, D.C.
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1 It's hard to understand. You can read the
2 number, but what actually happened during
3 that?

4 So he's making a professional
5 judgment in how he uses those numbers.

6 So, yes, you have hard numbers,
7 but the judgment is still always there.

8 Q I understand. And -- but when
9 you have historic data of that type, do you
10 agree that it is appropriate to evaluate it
11 and use it to the extent you can when you
12 are doing your historic exposure
13 reconstruction?

14 A Of course.

15 Q When you are doing a historic
16 exposure reconstruction and you don't have
17 data on a specific product or activity, is
18 there an element of professional judgment
19 to look for other data that you have that
20 might be similar product, similar types of
21 activities?

22 A Similar products, similar

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1 activities, similar site conditions,
2 similar tasks, of course.

3 **Q And that is all part of the
4 professional judgment of the industrial
5 hygienist in attempting to recreate
6 historic exposures?**

7 A Yes. For a specific
8 individual.

9 **Q And I may be going too far.
10 But are you saying that you don't
11 necessarily disagree with the method by
12 which Peter Lees looked at and used the
13 historic data.**

14 **But what you are focused on is
15 there should be more of a range as opposed
16 to a mean value being used in that historic
17 exposure reconstruction?**

18 MR. WEHNER: Object to the
19 form. Vagueness.

20 A I would say there needs to be a
21 range in addition to cumulative lifetime
22 exposure.

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1 Now, I also am not prepared to
2 say that I agree with Peter Lees' judgment.
3 My point was he did make it, and he has to.
4 Anybody does.

5 So the methodology, I think, is
6 pretty standard as far as it goes. I would
7 do -- for an individual do much more than
8 he has done for these cohorts.

9 Q Understood. So I just want to
10 make sure we are on the same page -- that
11 you don't disagree with the methodology
12 that he used to create the means.

13 You may disagree with specific
14 judgment calls in applying that
15 methodology; is that fair?

16 MR. WEHNER: Object. Vague.

17 A As far as it goes.

18 Q What does that mean?

19 A Well, as I said, he's dealing
20 with cohorts, and that is different from
21 dealing with a specific case. In other
22 words, I think you have to do much more job

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1 history reconstruction for an individual
2 than you do for a cohort.

3 In one case you are working in
4 averages. In another case you are not.

5 Q Isn't that -- not to be
6 nit-picky, but isn't that a disagreement
7 with Betty Anderson's risk assessment
8 analysis for the cohort as opposed to Peter
9 Lees, who just created eight-hour TWAs for
10 different products and activities?

11 MR. WEHNER: Object to the
12 form. Vagueness.

13 A I think, in general, Peter
14 Lees' methodology for creating cumulative
15 exposure estimates for a cohort is
16 standard. I disagree with some of the
17 judgments he made, and I disagree with some
18 of his math.

19 But the methodology of using
20 the data to arrive at numbers is standard.
21 I don't think he used enough data, and
22 there is a whole list of things that I